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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,800	03/25/2004	Jason Loke	KW03-001	6032
75	90 08/11/2005		EXAMINER	
Stephen B. Ac	kerman	LAYNO, BENJAMIN		
George O. Saile	& Associates			
28 Davis Avenue			ART UNIT	PAPER NUMBER
Poughkeepsie, NY 12603			3711	
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DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		e				
	Application No.	Applicant(s)				
	10/808,800	LOKE, JASON				
Office Action Summary	Examiner	Art Unit				
	Benjamin H. Layno	3711				
The MAILING DATE of this communication apperiod for Reply	pears on the cover sheet with the	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be ly within the statutory minimum of thirty (30) d will apply and will expire SIX (6) MONTHS fro e, cause the application to become ABANDON	timely filed ays will be considered timely. In the mailing date of this communication. NED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on	 ·					
2a)☐ This action is FINAL . 2b)☒ This	s action is non-final.					
	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under the	Ex parte Quayle, 1935 C.D. 11,	453 O.G. 213.				
Disposition of Claims	,					
4) Claim(s) 1-16 is/are pending in the application	1.					
4a) Of the above claim(s) is/are withdra	wn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-16</u> are subject to restriction and/or	election requirement.					
Application Papers						
	9)☐ The specification is objected to by the Examiner.					
10)☐ The drawing(s) filed on is/are: a)☐ acc	cepted or b) \square objected to by the	Examiner.				
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the correct						
11) The oath or declaration is objected to by the E	xaminer. Note the attached Office	e Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Burea	ts have been received. ts have been received in Applica prity documents have been recei	ation No				
* See the attached detailed Office action for a list of the certified copies not received.						
		·				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summa					
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 	Paper No(s)/Mail	Date I Patent Application (PTO-152)				
Paper No(s)/Mail Date	6) Other:					

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 6-16, drawn to the method of play, classified in class 273, subclass
 299.
 - Claims 1-5, drawn to the game apparatus, classified in class 273, subclass 274.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the game apparatus can be used as flash cards to teach students learning how to type. The special function cards "*" and "(" would have helped students remember where the asterisk and parenthesis is on the keyboard.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Stephen B. Ackerman on 08/08/05 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571)272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin H. Lal/no Primary Examiner Art Unit 3711 Page 3

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